

## **IC 22-4.5-10**

### **Chapter 10. Indiana Workforce Intelligence System**

#### **IC 22-4.5-10-1**

##### **"Council"**

Sec. 1. As used in this chapter, "council" refers to the Indiana career council established by IC 22-4.5-9-3.

*As added by P.L.60-2013, SEC.2.*

#### **IC 22-4.5-10-1.5**

##### **"Governance committee"**

Sec. 1.5. As used in this chapter, "governance committee" refers to the INK governance committee established by section 7 of this chapter.

*As added by P.L.167-2014, SEC.12.*

#### **IC 22-4.5-10-2**

##### **"INK"**

Sec. 2. As used in this chapter, "INK" refers to the Indiana network of knowledge established by section 3 of this chapter.

*As added by P.L.60-2013, SEC.2. Amended by P.L.167-2014, SEC.13.*

#### **IC 22-4.5-10-3**

##### **INK established; purposes**

Sec. 3. The Indiana network of knowledge is established as a statewide longitudinal data system that contains educational and workforce information:

- (1) from educational institutions at all levels; and
- (2) about the state's workforce;

to improve the effect of the state's educational delivery system on the economic opportunities of individuals and the state's workforce, and to guide state and local decision makers.

*As added by P.L.60-2013, SEC.2. Amended by P.L.167-2014, SEC.14.*

#### **IC 22-4.5-10-4**

##### **INK requirements**

Sec. 4. (a) The INK must do the following:

- (1) Effectively organize, manage, break down, and analyze educational, workforce, and other data.
- (2) Generate timely and accurate information about student progress and outcomes over time, including students' preparation for postsecondary education and the workforce.
- (3) Generate timely and accurate information that is available to the public about the effectiveness of the state's job training programs, including at least the following:
  - (A) The number of participants in each program.
  - (B) The number of participants who, as a result of the training received in the program:

- (i) secured employment; or
  - (ii) were retained by an employer.
- (C) The average wage of the participants who secured employment or were retained by an employer.
- (4) Support the economic development and other activities of state and local governments.
- (b) The INK may not obtain or store the following student data:
  - (1) Disciplinary records.
  - (2) Juvenile delinquency records.
  - (3) Criminal records.
  - (4) Medical and health records.

*As added by P.L.60-2013, SEC.2. Amended by P.L.167-2014, SEC.15.*

#### **IC 22-4.5-10-5**

#### **Submission and use of INK data; privacy; mandatory and voluntary participation in INK**

Sec. 5. (a) The department of education (established by IC 20-19-3-1), the department of workforce development (established by IC 22-4.1-2-1), the commission for higher education (established by IC 21-18-2-1), and other agencies of the state that collect relevant data related to educational and workforce outcomes shall submit that data to the INK on a timely basis and shall ensure the following:

- (1) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), IC 22-4-19-6, and other relevant privacy laws and policies, including the following:
  - (A) The required use of data that cannot be used to identify information relating to a specific individual or entity.
  - (B) The required disposition of information that is no longer needed.
  - (C) The provision of a data security plan, including the performance of regular audits for compliance with data privacy and security standards.
  - (D) The implementation of guidelines and policies to prevent the reporting of other data that may potentially be used to identify information relating to a specific individual or entity.
- (2) The use of data only in summary form in reports and responses to information requests. Data that may identify specific individuals or entities because of the size or uniqueness of the population involved may not be reported in any form.
- (b) After June 30, 2014, other agencies of the state shall submit to the INK on a timely basis relevant data, including data at the individual level, as determined by the INK governance committee.
- (c) The data submitted to INK under subsections (a) and (b):
  - (1) remains under the ownership and control of the agency submitting the data; and
  - (2) may be used only for the purposes of this chapter, unless the agency that submitted the data consents to the additional use.

(d) After June 30, 2014, the following may submit educational, workforce, and other relevant data, as applicable, to the INK by working with and through the INK executive director:

- (1) Private sector business or commercial employers, groups, associations, agencies, and other entities.
- (2) Private institutions of higher education.

*As added by P.L.60-2013, SEC.2. Amended by P.L.167-2014, SEC.16.*

#### **IC 22-4.5-10-6**

##### **Administrative oversight; powers and duties of governance committee; funding; contracts**

Sec. 6. (a) The:

- (1) council, before July 1, 2014; and
- (2) governance committee, working in collaboration with the executive director, after June 30, 2014;

shall provide administrative oversight to the INK through the executive director.

(b) Administrative oversight of the INK includes all the following:

(1) Provide general oversight and direction for the development and maintenance of the INK, including the organizational framework for the day to day management of the INK.

(2) Work with the executive director and other state agencies participating in the INK to establish the following:

(A) A standard compliance time frame for the submission of data to the INK.

(B) Interagency policies and agreements to ensure equal access to the INK.

(C) Interagency policies and agreements to ensure the ongoing success of the INK.

(3) Hire staff necessary to administer the INK.

(4) Develop and implement a detailed data security and safeguarding plan that includes:

(A) access by authenticated authorization;

(B) privacy compliance standards;

(C) notification and other procedures to protect system data if a breach of the INK occurs; and

(D) policies for data retention and disposition.

(5) Develop and implement policies to provide routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), IC 22-4-19-6, and other relevant privacy laws and policies.

(6) Establish the policy and research agenda for the INK.

(7) Establish policies for responding to data requests from the state, local agencies, the general assembly, and the public. The policies established under this subdivision must provide for access to data in the INK requested by the legislative department of state government. If the data requested by the legislative department includes data that is restricted by federal

law, regulation, or executive order, the governance committee shall provide access to the legislative department to the restricted data to the extent permitted by the applicable federal law, regulation, or executive order.

(8) Oversee the development of public access to the INK in a manner that:

- (A) permits research using the data in aggregated form; and
- (B) cannot provide information that allows the identification of a specific individual or entity.

(9) Submit, not later than September 1, 2015, and not later than September 1 each year thereafter, to the governor, to the legislative council in an electronic format under IC 5-14-6, and to the council, a report covering the following for the most recent fiscal year:

- (A) An update concerning the administration of the INK and the governance committee's activities.
- (B) An overview of all studies performed.
- (C) Any proposed or planned expansions of the data maintained by the INK.
- (D) Any other recommendations made by the executive director and the governance committee.

(c) Funding for the development, maintenance, and use of the INK may be obtained from any of the following sources:

- (1) Appropriations made by the general assembly for this purpose.
- (2) Grants or other assistance from local educational agencies or institutions of higher education.
- (3) Federal grants.
- (4) User fees.
- (5) Grants or amounts received from other public or private entities.

(d) The council (before July 1, 2014) and the governor through the executive director (after June 30, 2014) may contract with public or private entities for the following purposes:

- (1) To develop and maintain the INK, including the analytical and security capabilities of the INK. Contracts made under this subdivision must include:
  - (A) express provisions that safeguard the privacy and security of the INK; and
  - (B) penalties for failure to comply with the provisions described in clause (A).
- (2) To conduct research in support of the activities and objectives listed in section 4 of this chapter.
- (3) To conduct research on topics at the request of the council, the governor, or the general assembly.

*As added by P.L.60-2013, SEC.2. Amended by P.L.167-2014, SEC.17.*

#### **IC 22-4.5-10-7**

**Governance committee; membership; appointments; vacancies;**

**chair; meetings; quorum; taking official action**

Sec. 7. (a) The INK governance committee is established.

(b) The governance committee consists of at least the following six (6) members:

(1) The commissioner of the department of workforce development, or the commissioner's designee with authority to act on behalf of the commissioner.

(2) The commissioner of the commission for higher education, or the commissioner's designee with authority to act on behalf of the commissioner.

(3) The state superintendent of public instruction, or the state superintendent's designee with authority to act on behalf of the state superintendent.

(4) One (1) member representing private colleges and universities appointed by the governor.

(5) One (1) member representing the business community in Indiana appointed by the governor.

(6) The INK executive director. The INK executive director serves in a nonvoting advisory capacity.

(c) The governor may appoint additional members to the governance committee as necessary to ensure the continued success of the INK. Additional members appointed under this subsection must represent other state agencies or partner organizations, as determined by the governance committee, that submit data to the INK.

(d) A member of the governance committee appointed by the governor serves at the pleasure of the governor.

(e) The governor shall make the initial appointments under this section not later than July 15, 2014.

(f) A vacancy on the governance committee is filled in the same manner as the original appointment.

(g) The governor shall appoint the chair of the governance committee from its voting members. The chair serves for one (1) year, or until a successor is selected.

(h) The governance committee shall meet at least quarterly or at the call of the chair.

(i) A majority of the voting members of the governance committee constitutes a quorum for the purpose of conducting business. The affirmative vote of a majority of the members of the governance committee is required for the governance committee to take official action.

*As added by P.L.167-2014, SEC.18.*

**IC 22-4.5-10-8**

**INK executive director; appointment; vacancy; duties**

Sec. 8. (a) The governor shall:

(1) appoint an INK executive director from a list of three (3) candidates submitted by the governance committee; or

(2) reject all of the candidates on the list submitted by the governance committee.

(b) If the governor rejects all of the candidates on the list submitted by the governance committee, the governor shall notify the chair of the governance committee.

(c) Not later than thirty (30) days after the date the governance committee receives the governor's notice under subsection (b), the governance committee shall submit to the governor a second list of three (3) new candidates for the position of INK executive director. The governor shall appoint the INK executive director from the second list of candidates submitted by the governance committee.

(d) The INK executive director serves at the pleasure of the governor.

(e) Whenever a vacancy in the position of INK executive director occurs, the governor shall notify the chair of the governance committee. Not later than ten (10) days after the date the governance committee receives notice of the vacancy, the chair shall call a meeting of the governance committee to begin the process of filling the vacancy. Not later than thirty (30) days after the date the governance committee receives notice of the vacancy, the governance committee shall submit to the governor a list of three (3) candidates to fill the vacancy.

(f) The governance committee shall submit to the governor the initial list of three (3) candidates for INK executive director not later than August 15, 2014.

(g) The executive director is responsible for the daily administration of the INK.

(h) The executive director shall do all the following:

(1) Work with the governance committee, state agencies, and other entities participating in the INK to develop and implement appropriate policies and procedures concerning the INK's data quality, integrity, transparency, security, and confidentiality.

(2) Coordinate the provision and delivery of data, as determined by the governance committee, to ensure that research project timelines and deliverables to stakeholders are met.

(3) Provide reports concerning the INK and the executive director's activities to the governor and the governance committee.

(4) Work in collaboration with the governance committee to hire staff as necessary to administer the INK.

(5) Perform other duties as assigned by the governor.

*As added by P.L.167-2014, SEC.19.*

#### **IC 22-4.5-10-9**

##### **Governance committee; compensation; expense reimbursement**

Sec. 9. (a) Each member of the governance committee who is not a state employee is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures

established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the governance committee who is a state employee is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.167-2014, SEC.20.*